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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MICHAEL MCINERNEY,  
  
Plaintiff,  
  
v.  
  
EIGHTH JUDICIAL DISTRICT COURT, *et*  
*al.*,  
  
Defendants.

Case No. 2:16-cv-00698-MMD-GWF  
  
ORDER ADOPTING AND ACCEPTING  
REPORT AND RECOMMENDATION OF  
MAGISTRATE JUDGE  
GEORGE FOLEY, JR.

Before the Court is the Report and Recommendation of United States Magistrate Judge George Foley, Jr. (ECF No. 4) (“R&R”) relating to Plaintiff’s Application to Proceed *In Forma Pauperis* and *pro se* complaint. Plaintiff had until March 29, 2017, to file an objection. To date, no objection to the R&R has been filed.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to


1 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,  
2 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the  
3 view that district courts are not required to review "any issue that is not the subject of an  
4 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then  
5 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.  
6 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to  
7 which no objection was filed).

8 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to  
9 determine whether to adopt Magistrate Judge Foley's R&R. The Magistrate Judge  
10 recommends dismissing Plaintiff's § 1983 claim against the Eighth Judicial District Court  
11 with prejudice. (ECF No. 4.) Upon reviewing the R&R and the records in this case, this  
12 Court finds good cause to adopt the Magistrate Judge's R&R in full.

13 It is therefore ordered, adjudged and decreed that the Report and  
14 Recommendation of Magistrate Judge George Foley, Jr. (ECF No. 4) is accepted and  
15 adopted in its entirety.

16 It is ordered that Plaintiff's § 1983 claim against Defendant the Eighth Judicial  
17 District Court is dismissed with prejudice.

18 DATED THIS 3<sup>rd</sup> day of May 2017.

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22 MIRANDA M. DU  
23 UNITED STATES DISTRICT JUDGE  
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